



Case No.: 02-326-A (400.133) <sup>046</sup> ~~144~~

**DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**Nucleic Acid Treatment of Diseases or Conditions Related to Levels of RAS, HER2, and HIV**

the specification of which was filed on:

November 26, 2003 as United States Application Serial Number \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

	<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>
1.			
2.			

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

	<u>Application Number</u>	<u>Filing Date</u>
1.	60/294,140	05/29/01
2.	60/296,249	06/06/01
3.	60/318,471	09/10/01
4.	60/292,217	05/18/01
5.	60/306,883	07/20/01
6.	60/311,865	08/13/01
7.	60/362,016	03/06/02
8.	60/358,580	02/20/02
9.	60/363,124	03/11/02
10.	60/386,782	06/06/02
11.	60/406,784	08/29/02
12.	60/408,378	09/05/02
13.	60/409,293	09/09/02
14.	60/440,129	01/15/03

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material

to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

	<u>Application Number</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>
1.	10/157,580	05/29/02	pending
2.	10/163,552	06/06/02	pending
3.	10/238,700	09/10/02	pending
4.	10/693,059	10/23/02	pending
5.	10/444,853	05/23/03	pending
6.	10/417,012	04/16/03	pending
7.	10/652,791	08/29/03	pending
8.	10/422,704	04/24/03	pending
9.	10/427,160	04/30/03	pending
10.	PCT/US02/16840	05/29/02	abandoned
11.	PCT/US02/15876	05/17/02	abandoned
12.	PCT/US03/05346	02/20/03	pending
13.	PCT/US03/05028	02/20/03	pending

I hereby appoint the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and I direct that all correspondence be addressed to that Customer Number.

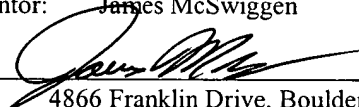
Customer Number: **020306**

Principal attorney or agent: Andrew W. Williams

Telephone number: 312-913-0001

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: James McSwiggen

Inventor's signature: 

Date: 12/18/03

Residence: 4866 Franklin Drive, Boulder, Colorado 80301, USA

Citizenship: United States of America

Post Office Address: 4866 Franklin Drive, Boulder, Colorado 80301, USA